



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
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Denton L. Anderson  
Sheldon & Mack  
225 South Lake Avenue  
9<sup>th</sup> Floor  
Pasadena, CA 91101

Paper No. 13

In re Application of  
Georges Baikoff et al  
Serial No. : 09/833,958  
Filed : April 12, 2001  
For : Scleral Expansion Segment

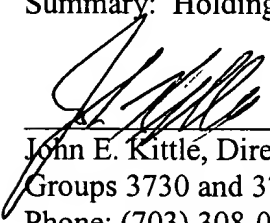
: DECISION ON PETITION  
: TO WITHDRAW  
: HOLDING OF  
: ABANDONMENT  
:

This is a decision on petitioner's request filed May 5, 2003, to review the holding of abandonment mailed April 9, 2003, for failure to respond to the Office action mailed September 25, 2002. There is no fee required for this petition.

It is noted that a response in the form of a preliminary amendment and election along with a check to cover a three-month extension of time request, was received April 3, 2003 as is evidenced by the copy of a PTO stamped receipt submitted by applicant with the instant request. The communication included a certificate of mailing dated March 24, 2003. The original has been located and it is now with the file. A review of the record shows that the Office action of September 25, 2002 set forth a one month shortened statutory period for response and indicated that extensions of time were available under 37 CFR 1.136(a). Thus, when the response was received April 3, 2003, a five-month extension of time was needed. Accordingly, per the authorization given in the transmittal letter filed with the application papers, the fee needed to cover an additional two months of extension of time, has been charged to deposit account 19-2090.

In view of the above, the Notice of Abandonment mailed April 9, 2003, is in error and is hereby vacated. The holding of abandonment is withdrawn. Upon the mailing of this decision, the application will be forwarded to the Examiner via the Legal Instruments Examiner for entry and consideration of the response filed April 3, 2003.

Summary: Holding of Abandonment Withdrawn.

  
John E. Kittle, Director  
Groups 3730 and 3760  
Phone: (703) 308-0873

ak/05/21/03